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April 20, 2017

★ APR 21 2017 ★

LONG ISLAND OFFICE

BY ECF

Hon. Joseph F. Bianco, District Judge
United States District Court for the
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722

Re: *United States v. Kenner*, Ind. No. 13-CR-607 (JFB).

Dear Judge Bianco:

As counsel to Philip A. Kenner, defendant herein, we write, at Mr. Kenner's request, to ask that he be excused from appearing at the status conference on April 24, 2107, at 1:15 p.m. We have spoken with A.U.S.A. Matthew Haggans, and the government does not oppose this request.

We expect that, as to Mr. Kenner, the conference will primarily address scheduling matters. (We understand the government's motion to remand co-defendant Constantine will also be addressed.) The parties have been discussing an agreement which we hope and expect will resolve the government's March 30th motion for a protective order enjoining Mr. Kenner from certain conduct. Should the parties be unsuccessful at reaching agreement, we would propose setting a schedule at the conference for our response to the motion.

While Mr. Kenner's Rule 33 motion is still pending, we are not yet in a position to argue the motion, but will be able to advise the Court regarding our progress at coming up to speed in this case at the conference.

Thank you for your attention to this application.

Very truly yours

/s/
Jesse M. Siegel

Request denied -

SO ORDERED

Joseph Bianco

Joseph F. Bianco

Date. *April 21 2017*
Central Islip, N.Y.